

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 80—Solid Waste Management
Chapter 8—[Waste] Scrap Tires

10 CSR 80-8.060 [Waste] Scrap Tire End-User Facility Registrations The department is amending the chapter title, the rule title, the purpose, sections (1) – (5), adding section (6), and renumbering section (6) and (7).

*PURPOSE: This rule contains the requirements for [waste] **scrap** tire end-user facility registrations. The department is amending portions of the rule to reflect revised statutory language in Senate Bill 225 to replace references to “waste tire” with the term “scrap tire”. This amendment will also correct typographical errors, grammatical errors, and update materials referenced in the rule.*

(1) Definitions.

(A) A [waste] **scrap** tire is a tire that is no longer suitable for its original intended purpose because of wear, damage or defect.

1. A tire no longer suitable for its original intended purpose due to wear is a tire with exposed cord or tread depth less than two thirty-seconds inch ($2/32''$) when measured in any major groove.

2. A tire still mounted on a rim is not a [waste] **scrap** tire, except as described in paragraph (1)(A)3.

3. Any tire that is discarded with the intent of final disposal is also a [waste] **scrap** tire.

4. A cut tire, for the purposes of disposal in a permitted solid waste disposal area, is a [waste] **scrap** tire cut in half circumferentially; sidewalls removed from tread; or cut into at least three (3) parts with no part being larger than approximately one-third ($1/3$) of the original tire's size.

5. A shredded or chipped tire, for the purposes of disposal in a permitted solid waste disposal area, is a [waste] **scrap** tire that has been reduced to parts no larger than that defined in the definition of a cut tire.

6. A passenger tire equivalent (PTE), for the purposes of calculating the amount of tire rubber, equals twenty (20) pounds.

(B) A [waste] **scrap** tire end-user facility is a site where [waste] **scrap** tires are used as a fuel or fuel supplement or converted into a useable product **and where no further processing of scrap tires takes place, as the term scrap tire processing facility is defined in 10 CSR 80-8.050(1)(F).**

(2) General Requirements.

(A) This rule is intended to provide minimum requirements for operation of a [waste] **scrap** tire end-user facility. If techniques other than those listed in this rule are to be used, it is the obligation of the [waste] **scrap** tire end-user facility owner/operator to demonstrate to the department in advance that the techniques to be employed will satisfy the requirements. Detailed facility and operational plans for the techniques shall be submitted to the department in writing and approved by the department in writing prior to being employed. The operations of a [waste] **scrap** tire end-user facility shall not result in pollution, a public nuisance or a health hazard. If these conditions exist, the facility shall be required to take any steps deemed necessary by the department to mitigate the conditions.

(B) This rule shall pertain to whole, cut, shredded, baled or chipped [waste] **scrap** tires.

(C) Underground storage of [waste] **scrap** tires requires a permit as a solid waste disposal area and shall comply with the requirements of 10 CSR 80.

(D) The [waste] **scrap** tire end-user facility shall be in compliance with Chapters 643 and 644, RSMo and their regulations and Air Pollution Control Programs' requirements.

(3) Applicability. This rule applies to—

(A) A facility that burns [waste] **scrap** tires as tire-derived fuel;

(B) A facility which utilizes [waste] **scrap** tire-derived materials in the manufacture of a product for resale;

(C) A facility that uses tire-derived materials as a shock absorbing playground cover or in running tracks;

(D) A person who leases or owns real property using [waste] **scrap** tires on that property for soil erosion abatement and drainage purposes, to secure covers over silage, hay, straw or agricultural products or for recreational or structural purposes. Use of over one hundred (100) [waste] **scrap** tires in any form for the purposes listed in this paragraph shall—

1. Be part of an engineered structure and properly held in place and anchored, as necessary. (Example methods of proper use of [waste] **scrap** tires are detailed in the *Streambank Protection Guidelines* prepared by the United States Army Engineer Waterways Experiment Station, which by this reference is incorporated into this rule.);

2. Be approved first by the department; the department may deny the request for end use based upon any previous violation of the Solid Waste Management Law and rules or if the applicant fails to establish that the end use will not result in pollution, a public nuisance or a health hazard.

A. The approval request must be in writing and should contain at least the following information:

(I) A detail description of the intended use of the tires, how the tires are to be [hold] **held** in place and the maximum number of tires to be used;

(II) A detailed description of the method(s) and procedures(s) to be used for vector control, if applicable;

(III) A detailed description of the method(s) and procedures(s) to be used for fire protection, including prevention of the spread of fire to surrounding buildings and property, if applicable; and

(IV) Other information as deemed necessary by the department; and

3. Be agreed to in writing by the property owner; and

(E) Any other facility that meets the definition of a [waste] **scrap** tire end-user facility in section (1) of this rule.

(4) Registration.

(A) A person desiring to establish, maintain or operate a [waste] **scrap** tire end-user facility shall complete and submit to the department a [Waste] **Scrap** Tire End User Registration Form which will be provided by the department. Facilities currently in existence at the effective date of this rule shall register with the department within thirty (30) days of the effective date of this rule.

(B) A person who leases or owns real property using less than one hundred (100) [waste] **scrap** tires on that property to secure cover over silage, hay, straw or agricultural products is not required to register as an end user.

(C) The completed registration form shall be sent by certified mail to the Missouri Department of Natural Resources, Solid Waste Management Program, P.O. Box 176, Jefferson City, MO 65102-0176.

(5) Inventory and Storage.

(A) The inventory of unprocessed [waste] **scrap** tires on the premises of the facility shall not exceed the amount that can be used in six (6) months of normal and continuous operation. This amount shall be based on the volume of tires used by the facility in the last year or the manufacturer's estimated capacity of the equipment used by the facility. The inventory of processed [waste] **scrap** tires on the premises of the facility shall not be more than twice the amount of unprocessed tires allowed by this rule.

(B) The owner or operator of a scrap tire end-user facility shall provide written evidence from the local fire protection agency that indoor and outdoor storage of whole or processed scrap tires complies with the currently applicable local or state fire protection standards, or the scrap tire end-user facility must comply with the currently applicable national fire protection standards pertaining to rubber tire storage as published by the National Fire Protection Association or the International Code Council which by this reference are incorporated into this rule.

(6) Closure, Financial Assurance.

(A) Exemptions. The following are not required to establish a closure plan and financial assurance instrument provided that pollution, a public nuisance or a health hazard is not created and provided the scrap tires are stored according to the requirements of section (5) of this rule:

1. Scrap tire end-user facilities that can provide documentation that they maintain appropriate and adequate insurance coverage to ensure proper closure of the facility;
2. Scrap tire end-user facilities that can demonstrate that they have established a financial assurance instrument that is approved by another program within the department, and which includes provisions for the removal of whole and processed scrap tires, other solid waste, and plans for site restoration; and
3. Scrap tire end-user facilities with demonstrated liquid assets greater than one million dollars (\$1,000,000.000 USD)
4. Scrap tire end-user facilities where no further processing of scrap tires takes place, as the term scrap tire processing facility is defined in 10 CSR 80-8.050(1)(F).

(B) Closure Plans and Financial Assurance Instruments shall comply with 10 CSR 80-8.050(7).

(6)(7) Record Keeping Requirements. The owner/operator of a [waste] **scrap** tire end-user facility shall maintain the records required by this rule. All records required by this rule shall be kept for at least three (3) years following the end of the calendar year of such activity. The period of record retention extends upon the written request of the department or automatically during the course of any unresolved enforcement action regarding the regulated activity. The records shall be made available for inspection by the department or its designated representative upon request. The records shall include at least the following:

(A) The number or weight of tires used, shipped or otherwise disposed of each month by the facility;

(B) The number or weight of [waste] **scrap** tires received at the facility each month; and

(C) The source of [waste] **scrap** tires received at the facility each month and permit number of that source and/or the hauler, if applicable.

AUTHORITY: sections 260.225 and 260.270, RSMo (Cum. Supp. 1996). * Original rule filed April 16, 1997, effective Dec. 30, 1997.

****Original authority: 260.225, RSMo 1972, amended 1975, 1986, 1988, 1990, 1993, 1995 and 260.270, RSMo (1990), amended 1995.***

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment may cost private entities more than five hundred dollars (\$500) in the aggregate if a FAI is required.

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